

AMENDED IN SENATE AUGUST 8, 2016

AMENDED IN SENATE JUNE 6, 2016

AMENDED IN ASSEMBLY APRIL 27, 2016

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2088**

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**Introduced by Assembly Member Linder**  
**(Coauthors: Assembly Members Chang, Gallagher, Cristina Garcia,**  
**Hadley, Kim, Maienschein, and Waldron)**

February 17, 2016

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An act to add Section 13211 to the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2088, as amended, Linder. Vehicles: hit-and-run accidents: pleas.

Existing law requires the driver of a vehicle involved in an accident involving either injury to a person other than the driver, or the death of a person, to immediately stop and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law requires the Department of Motor Vehicles to immediately revoke the driving privileges of a person convicted of a violation of that provision.

Existing law requires the driver of a vehicle involved in an accident involving only damage to property, or a person who parks a vehicle that becomes a runaway vehicle and damages property, to stop, as applicable, and fulfill specified reporting requirements. Existing law

provides that failure to fulfill those requirements is a crime. Existing law authorizes a court to suspend the driving privileges of a person convicted of a violation of that provision for not more than 6 months.

This bill would, commencing January 1, 2018, require a prosecutor who agrees to accept a plea of guilty or nolo contendere from a defendant for a charge of a violation of the latter provision described above in satisfaction of, or as a substitute for, a charge for a violation of the former provision to state on the record whether *or not the accident in which the defendant was involved in an accident in which a was one in which another person was injured*. The bill would require the prosecutor's statement to occur prior to the defendant's waiver of the right to a jury trial. ~~The bill would also require the judge to inform the defendant of the consequences described below before accepting the defendant's plea of guilty or nolo contendere under these circumstances. If the court accepts the plea and the prosecutor's statement stipulates or does not contest the fact that the defendant was driving the vehicle that caused injury to another individual, If the prosecution states for the record that the accident in which the defendant was involved was one in which another person was injured, the bill would require the judge to inform the defendant of the consequences described below. If the defense admits that another person was injured in the accident or stipulates to the prosecution's statement and the defendant waives his or her right to a jury trial as to that fact, the bill would require the court to immediately suspend the convicted person's court, upon accepting the defendant's plea of guilty or nolo contendere, to order the suspension of the defendant's driving privileges for a period of 6 months, restrict the convicted person's the restriction of the defendant's driving privileges to employment purposes only, as specified, for no more than 6 months, or order the convicted person to complete completion of community service, as the court deems appropriate. By changing the penalty for a crime, the bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 13211 is added to the Vehicle Code, to read:

13211. If the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation of Section 20002 in satisfaction of, or as a substitute for, an original charge of a violation of Section 20001, the prosecution shall state for the record the factual basis for the satisfaction or substitution, including whether *or not the accident in which* the defendant was involved ~~in an accident in which a person was one in which another person~~ was injured. ~~The prosecution's~~ *This statement shall occur prior to both the defendant's waiver of the right to a jury trial. The judge shall inform the defendant of the consequences specified in subdivisions (a), (b), and (c) before accepting the defendant's plea of guilty or nolo contendere under these circumstances.*

~~If the court accepts the defendant's plea of guilty or nolo contendere to a charge of a violation of Section 20002, and the prosecutor's statement provided pursuant to this section stipulates or does not contest the fact that the defendant was driving the vehicle that caused injury to another individual, the court shall immediately issue an order to impose one of the following consequences: trial as to the charge of a violation of Section 20002 and the defendant's waiver of the right to a jury trial described below. If the prosecution states for the record that the accident in which the defendant was involved was one in which another person was injured, the judge shall inform the defendant of the consequences specified in subdivisions (a) to (c), inclusive. If the defense admits that another person was injured in the accident or stipulates to the prosecution's statement under this section and the defendant waives his or her right to a jury trial as to that fact, the court shall, upon accepting the defendant's plea of guilty or nolo contendere as described in this section, order one of the following consequences:~~

(a) ~~Suspend the convicted driver's~~ *Suspension of the defendant's* privilege to operate a motor vehicle for a period of six months.

(b) ~~Restrict the convicted driver's~~ *Restriction of the defendant's* privilege to operate a motor vehicle to necessary travel to and from that person's place of employment for not more than six months. If driving a motor vehicle is necessary to perform the duties of the

1 person's employment, the court may restrict the driving privilege  
2 to allow driving in that person's scope of employment. Whenever  
3 a person's driving privilege is restricted pursuant to this  
4 subdivision, the person shall be required to maintain proof of  
5 financial responsibility.

6 ~~(e) Require the convicted driver to complete community service,~~  
7 ~~as the court deems appropriate.~~

8 *(c) Completion of community service, as the court deems*  
9 *appropriate, by the defendant.*

10 This section shall become operative on January 1, 2018.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.